

REMARKS

Claims 26, 27, and 32-49 remain pending in the application.

Rejection of the Claims Under 35 U.S.C. § 103(a)

Claims 26-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menard et al. (U.S. Patent Application Publication No. 2002/0184065, hereinafter “Menard”) and Rappaport, et al. (U.S. Patent No. 7,295,960, hereinafter “Rappaport”) Applicant respectfully traverses this rejection and requests reconsideration in view of the following remarks.

The Examiner did not specifically address pending claims 37-49. For purposes of this response, Applicant assumes that claims 37-49 are rejected on the same grounds as claim 26-36.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in the claims. In particular, Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method comprising “determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted outcomes relate to future operation of the database system; monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and displaying to a user an indication of the occurrence of the at least one of the predicted outcomes,” in combination with the remaining features of claim 26.

Menard discloses techniques for capturing and evaluating knowledge about system behavior (see, e.g., Menard's Abstract). Menard further discloses that a predictive analysis engine warns the user by estimating the time available until resources are depleted or until a failure occurs (see, e.g., paragraph [0039]). Therefore, Menard identifies trends based on past performance and projects those trends into the future. However, Menard does not teach or suggest performing actions after the predictive analysis such as monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and displaying to a user an indication of the occurrence of the at least one of the predicted outcomes.

In the Office Action, the Examiner acknowledges that Menard does not disclose "determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted outcomes relate to future operation of the database system; monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and displaying to a user an indication of the occurrence of the at least one of the predicted outcomes." The Examiner asserts, however, that Rappaport teaches these features, and that it would have been obvious to modify Menard with the teachings of Rappaport. Applicant respectfully disagrees.

In particular, the Examiner specifically cites Figure 1 (elements 104-114) and col. 29, lines 1-15 of Rappaport as teaching the features quoted above. However, Applicant can find no teaching or suggestion of the quoted features in Rappaport, including Figure 1 and col. 29, lines 1-15. Rappaport discloses techniques for "the automated use of predicted or measured performance metrics to determine and drive a preset, desired, or optimal or preferred configuration of communication system infrastructure" (see, e.g., Rappaport, col. 17, lines 50-54). In the flow diagram of Figure 1, Rappaport discloses steps such as "predict current communication network performance" (step 104) and, for each possible configuration and position for the piece of equipment, "predict communication network performance"(step 110). In col. 29, lines 1-15, Rappaport

further discloses that the predicted network or system performance may be compared to the actual network or system performance.

Applicant respectfully submits that Rappaport, either individually or in combination with Menard, does not teach or suggest determining a plurality of predicted outcomes, wherein the plurality of predicted outcomes relate to future operation of a database system, in combination with the remaining features of claim 26. Applicant also respectfully submits that Rappaport, either individually or in combination with Menard, does not teach or suggest determining a plurality of predicted outcomes resulting from a detected change to a setting of the database system. The Examiner suggests that the hypothetical combination of Menard and Rappaport would have been obvious to one of ordinary skill in the art “to allow users to automatically determine and visualize proper configurations and setting of hardware equipment” (as stated in Rappaport in col. 5, lines 10-20; emphasis added). However, this suggested motivation for optimizing hardware equipment is not particularly relevant to Menard’s diagnostic techniques for database performance. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time of the invention to modify Menard’s diagnostic techniques for database performance with Rappaport’s automated placement or configuration of network equipment.

As noted above, Rappaport discloses that the predicted network or system performance may be compared to the actual network or system performance (see, e.g., Rappaport, col. 29, lines 1-15). However, Applicant respectfully submits that Rappaport, either individually or in combination with Menard, does not teach or suggest monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and displaying to a user an indication of the occurrence of the at least one of the predicted outcomes, in combination with the remaining features of claim 26. In particular, Applicant can find no teaching or suggestion in Rappaport for monitoring any system (much less a database system) for an occurrence of at least one of the predicted outcomes and detecting the occurrence of at least one of the predicted outcomes. Rappaport’s mere

disclosure of a “before and after” comparison is not equivalent to these monitoring and detecting features. Additionally, Applicant again respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time of the invention to modify Menard’s diagnostic techniques for database performance with Rappaport’s automated placement or configuration of network equipment.

For at least the reasons discussed above, the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in claim 26. For at least the reasons discussed above, Applicant respectfully submits that even if, *arguendo*, Menard and Rappaport were combined, such a hypothetical combination would still not anticipate claim 26. Thus, Applicant respectfully submits that the independent claim 26 and its respective dependent claims patentably distinguish over Menard and Rappaport, taken both singly and in combination. Independent claims 32, 34, and 36 recite similar combinations of features, and are accordingly also believed to be patentably distinguished, along with their respective dependent claims.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner’s convenience.

CONCLUSION

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition

for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14800.

Respectfully submitted,



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